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*Attorneys for Defendants David I. Lustig, individually  
and in his capacity as Trustee for The Lustig Family  
1990 Trust, and The Lustig Family 1990 Trust*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

(Substantively Consolidated)

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

**DECLARATION OF BRYAN HA  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR LEAVE TO APPEAL**

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In re:

BERNARD L. MADOFF,

Debtor.

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IRVING PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

Adv. Pro. No. 10-4554 (SMB)

v.

DAVID IVAN LUSTIG,

Defendant.

-----X  
IRVING PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

Adv. Pro. No. 10-4417 (SMB)

v.

THE LUSTIG FAMILY 1990 Trust, et al.,

Defendants.  
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BRYAN HA hereby declares under penalty of perjury, pursuant to 28 U.S.C. §  
1746, that the following are true and correct:

1. I am of counsel to the Law Office of Richard E. Signorelli, attorneys for  
defendants David I. Lustig (“Mr. Lustig”) and The Lustig Family 1990 Trust (“Trust”) in the  
above-captioned adversary proceedings, Irving H. Picard v. David Ivan Lustig, Adv. Pro. No. 10-  
4554 (“IRA Case”) and Irving H. Picard v. The Lustig Family 1990 Trust and David I. Lustig,  
Adv. Pro. No. 10-4417 (“Trust Case”). As such, I am fully familiar with the facts and  
circumstances of this matter.

2. I respectfully submit this declaration in support of Mr. Lustig’s and the  
Trust’s motion, pursuant to 28 U.S.C. § 158(a)(3) and Rules 8002, 8003, and 8004 of the Federal  
Rules of Bankruptcy Procedure, for leave to appeal the Order Granting Partial Summary  
Judgment Striking Affirmative Defenses entered on June 13, 2017, in the IRA Case and the Trust  
Case.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Declaration  
of Bryan Ha dated March 31, 2017, with exhibits, previously filed in the Bankruptcy Court in  
opposition to the Trustee’s motion to strike certain of the affirmative defenses asserted in the

IRA Case and the Trust Case.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Trustee's First Amended Complaint filed in the IRA Case dated March 18, 2016.

5. Attached hereto as Exhibit 3 is a true and correct copy of the Trustee's First Amended Complaint filed in the Trust Case dated March 18, 2016.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Answer and Affirmative Defenses filed in the IRA Case on May 2, 2016.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Answer and Affirmative Defenses filed in the Trust Case on May 2, 2016.

8. Attached hereto as Exhibit 6 is a true and correct copy of the Bankruptcy Court's Memorandum Decision Granting Partial Summary Judgment Striking Certain Affirmative Defenses entered in this action on June 1, 2017.

9. Attached hereto as Exhibit 7 is a true and correct copy of the Bankruptcy Court's Order Granting Partial Summary Judgment Striking Affirmative Defenses entered in both the IRA Case and the Trust Case on June 13, 2017. The same order was entered in both cases.

10. Attached hereto as Exhibit 8 is a true and correct copy of the Notice of Appeal and Statement of Election filed in the IRA Case on June 26, 2017.

11. Attached hereto as Exhibit 9 is a true and correct copy of the Notice of

Appeal and Statement of Election filed by Mr. Lustig in the Trust Case on June 26, 2017.

Dated: New York, New York  
June 27, 2017

/s/ Bryan Ha  
Bryan Ha